

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Status of All of the Claims

Below is the status of the claims in this application.

1. Claim(s) pending: 1-4, 6-15, 17-19, 21.
2. Claim(s) cancelled: 5, 16, and 20.

Claim Rejections

Independent Claims 1, 11, and 18

In item 2 “Claim Rejections” of the Office Action, independent claims 1, 11, and 18 were “rejected under 35 U.S.C. 103(a).” In order to obviate these rejections and expedite prosecution, Applicant has incorporated the limitations from dependent claims 5, 16, and 20 into their respective independent claims. Claims 5, 16, and 20 were rejected in the Office Action based upon the disclosure of U.S. Patent 7,185,274 to Rubin, however, Rubin fails to properly disclose a user interface which operates on a web page as is now required by the claims. Moreover, Rubin fails to disclose a user interface which operates on a single web page as is also required by the claims as currently amended.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. “First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*.

In traversal, the Applicant submits that a *prima facie* case of obviousness has not been established because the combination of the four cited references fails to explicitly or implicitly provide any teaching or suggestion of the interface as required in independent claims 1, 11, and 18, as currently amended. Moreover, the Applicant submits that, when properly considered, the only suggestion of the presently claimed invention is provided by the present application.

The Office Action asserts that Rubin discloses “a computer user interface wherein user content documents and user interface documents are both displayed on *a single viewing frame*.” [Office Action, item 5]. The viewing frame illustrated in Rubin is nothing more than a physical display on a personal viewing device, such as an LCD screen. Furthermore, the user interface of Rubin is described as a user interface for an operating system, not a user interface for a web application. However, the Office Action cites to the operating system based user interface of Rubin as a disclosure of the claim element which requires “a single web page [] that contains code for a user interface.” In addition, the claimed user interface “remains on a single [web] page and does not change pages as the user interacts with the application.” The user interface described in Rubin does not contemplate this functionality and, in fact, discloses quite the opposite.

Rubin discloses a “user interface architecture wherein the user content and user interface are composed of documents with links.” [Rubin; Abstract]. More specifically, the sections of Rubin cited in the Office Action describe a “documents-with-links UI” for implementation on a physical personal viewer device, such as a PDA or other touch-screen enabled handheld device. [Rubin; col. 14, ll. 17-20]. The goal of the interface is to combine the content with the elements of the user interface to enable more efficient control of a device by the user. Both single and dual-display implementations are described. The Office Action cites to portions of Rubin which describe that “some dual-display UI actions will cause only the rightmost display to be replaced” and “the original image may or may not be shifted to the left display when this happens.” The general principle of the dual-display’s operation is that when an action is taken, a “new page opens on the right and the [original] page from which it was initiated appears on the left.” [Rubin; col. 16, ll. 41-45; FIG. 6-10]. Given this, Rubin cannot be said to be a disclosure of a user interface which “remains on a single page” as is required by the currently pending claims.

Assuming arguendo that Rubin did disclose a user interface on a single page, it must be noted that the user interface of Rubin is not encapsulated within a web page received from a server as the currently amended claims require. Rubin mentions a web based platform in no specific detail, however, in the event the interface of Rubin were to be implemented on a web platform the web page containing the interface would be generated by and stored within the device displaying it, not received from a remote server over a network as is required by the currently amended claims.

In order to “establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP 2143.03 (citing, In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, given that Rubin fails to disclose a user interface which is contained in a web page and remains on a single page, Applicant respectfully requests that the rejections based upon Rubin be withdrawn.

CONCLUSION

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice of allowance is earnestly solicited. If after reviewing this amendment the Examiner feels that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the undersigned representative by telephone to resolve such issues.

Respectfully submitted,

By



Charles J. Meyer, Reg. No. 41,996
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
Telephone: (317) 634-3456
Fax: (317) 637-7561